

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEVERLY MANN,

Plaintiff,

vs.

Case No. 07-CV-12857
HON. GEORGE CARAM STEEH

GINO J. AGNELLO, et al.,

Defendants.

_____/

ORDER INVALIDATING MARCH 28, 2008 SUMMONSES

On November 29, 2007, plaintiff Beverly Mann's claims were dismissed in their entirety. Mann's subsequent motions for reconsideration were denied on December 6, 2007 and December 11, 2007. Mann filed a notice of appeal regarding the dismissal of her claims on January 25, 2008.

On March 28, 2008, apparently relying upon a representation that an amended complaint had been filed, the Clerk of the Court erroneously issued at least nine summonses for service, incorrectly notifying the defendants that they had 20 days to file an answer or otherwise defend this matter. See Federal Rules of Civil Procedure 12(a)(1)(A)(i) and 12(a)(4). The March 28, 2008 summonses are patently of no force or effect as Mann's claims were dismissed on November 29, 2007. The court further notes that the March 28, 2008 summonses issued more than 120 days after Mann filed her complaint on July 9, 2007, in contravention of Federal Rule of Civil Procedure 4(m). Accordingly,

IT IS ORDERED that the March 28, 2008 summonses issued in this lawsuit are of no force and effect, and are hereby deemed INVALID. Parties receiving summonses issued prior to the date of this Order are not obligated to file an answer or otherwise respond.

SO ORDERED.

Dated: April 11, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 11, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk